



Recommendations of the Working Group on Footspa Safety

Background

Consumer health issues associated with pedicures have become a matter of increasing nationwide concern in recent years. Outbreaks of mycobacteria infections and staph infections resulting from pedicures have caused injury, disfigurement and even death.

In California, there was an outbreak of skin boils in Santa Cruz County in October 2000. More than 100 pedicure customers were affected by the outbreak, which was traced back to a single Watsonville salon where footspa equipment was not properly cleaned and disinfected.

As a result, the Department of Consumer Affairs (DCA) Board of Barbering and Cosmetology (BBC) adopted new regulations in the spring of 2001, which required more thorough cleaning and disinfecting of footspas.

In November 2004, however, there was another outbreak of serious pedicure-related skin infections in Santa Clara County. This outbreak involved 33 different salons and 143 customers. Another outbreak occurred in March 2005 in Contra Costa County involving 17 people.

In 2005, AB 1263 (Yee) was introduced in the California Assembly. The bill would have set minimum safety standards for pedicure equipment and required BBC to adopt regulations regarding proper cleaning and disinfection of pedicure equipment. The bill was vetoed by Governor Arnold Schwarzenegger in October 2005, however, in his veto message the Governor directed

“ . . . the Department of Consumer Affairs to convene a working group consisting of BBC, county health officials, consumer groups, pedicure equipment manufacturers and other interested parties, to determine how to improve the safety of pedicure equipment and ensure appropriate consumer protection.”

In late 2005, DCA began contacting stakeholders and compiling information the group would need for its work. The Working Group on Footspa Safety was created. It included the following individuals:

Charlene Zettel, Director, DCA – Working Group Chair

Leah Alberto, Jerry Lee Beauty College

Marcia Bonawitz, Instructor, Sacramento City College

Adam Borut, Vice President, European Touch

Paul Bryson, Director of Research and Development, O.P.I. Products, Inc.

DeeDee Carlson, San Francisco Institute of Esthetics and Cosmetology

Jim Casteel, Vice President, AmeriSpa

Joyce Chung, Epidemiologist, Santa Clara County Health Department

Sara Cody, Deputy Health Officer, Santa Clara County Health Department

Gary Duke, Legal Counsel to DCA / BBC.

Richard Hedges, Vice President, BBC
Russ Heimerich, Chief, DCA Office of Public Affairs,
James Jacobs, Supervising Inspector, BBC
Denise Johnson, Assistant Executive Officer, BBC
Fred Jones, Legal Counsel and Lobbyist, Professional Beauty Federation of California
Theresa Kimura-Yip, Enforcement Manager, BBC
Nancy King, Nail Care Consulting
John Lockamy, Jerry Lee Beauty College
Travis McCann, Manager of Customer Satisfaction Improvement Unit, DCA
Alex Ninh, National Sales Manager, AmeriSpa
Stephen Rhoads, Lobbyist, Strategic Advocates
Dustin Rodriguez, Cosmetologist and Establishment Owner
Doug Schoon, Vice President for Science and Technology, Creative Nail Design, Inc.
Julie Taylor, Legislative Analyst, Division of Legislative & Regulatory Review, DCA
Marcie Tidd, U.S. Environmental Protection Agency
Kristin Triepke, Deputy Director, Division of Legislative & Regulatory Review, DCA
Jerry Tyler, President, BBC
Kristy Underwood, Executive Officer, BBC
Candi Zizek, Health Program Specialist, California Department of Health Services

The group met five times in early 2006 – on February 2, February 15, March 15, April 5 and April 27. After the final meeting, work continued via telephone and e-mail, leading to the final recommendations.

Main Tasks and Recommendations by the Working Group on Footspa Safety

- I. To review statutory and regulatory provisions regarding standards and protocol for cleaning and disinfecting footspas, and to determine the areas that need to be improved to ensure customer safety.**

After deciding that existing Board cleaning and disinfecting regulations were insufficient, the Working Group proposed new procedures to clean and disinfect footspas. (See Appendix A)

- II. To review the Board's existing inspection and enforcement program and determine areas in need of improvement**

The Working Group agreed to the following recommendations:

- Fines that are not waivable.
- \$500 fines for violations per footspa or cleaning log.
- The \$5,000 maximum on fines per inspection should remain.
- Require repeat inspections for violators, possibly at the owner's expense.

- A probationary period for one year per licensee and per owner found to be in violation of health and safety laws.
- Board-approved remedial training on footspa cleaning and disinfection for licensees in violation.
- That a licensee shall not perform services on a client if the licensee has reason to believe the client has an unhealthy condition; communicable disease; contagious condition; inflamed, broken, raised or swollen skin or nail tissue; or an open wound or sore in the area to be worked on that would contraindicate the efficacy of the service.

Note: *Some Workgroup participants felt it would be beneficial if the above recommendation included those that are believed to be diabetic because for many diabetics, footcare is an important preventive measure (due to decreased vascularity in their feet and increased risk of infections). However, it may be over-reaching to prohibit anyone with any degree of diabetes from having a pedicure, as it should be the responsibility of the diabetic and their physician to determine what kind of footcare is appropriate for them. The responsibility of the pedicurist is to recognize physical signs of conditions that should preclude providing a pedicure, not medical diagnoses.*

- That licensees shall ask whether the client has shaved their legs or received waxing services on their legs within the past 24 hours. If so, the licensee shall not perform a pedicure service on that client.

III. To review current school curricula regarding cleaning and disinfection of footspas and determine areas in need of improvement.

The Workgroup developed the following policy directives regarding current school curricula and footspa disinfection:

- Recommend that cosmetology schools incorporate the footspa disinfection protocols into existing curriculum requirements.
- Recommend that the Board's licensing exam include a written component that tests footspa disinfection knowledge as determined by the occupational analysis.

Education/Outreach

The Working Group on Footspa Safety also recommended that DCA and BBC conduct education and outreach efforts targeted to both the salon industry and to consumers. The group specifically recommended that salons be required to post a "Consumer Footspa Tips" sign that includes the following text:

Footspa Tips for Consumers

- ✓ Don't shave or wax your legs 24 hours before a pedicure. Shaving and waxing increase the risk of infection. If you have broken skin or open sores on your lower legs, do not get a pedicure.

- ✓ Check the state website to see if your salon or operator has been disciplined for violations of the rules. www.barbercosmo.ca.gov
- ✓ Ask how the salon cleans and disinfects their pedicure equipment. If they hesitate or won't answer you, you may want to take your business elsewhere.
- ✓ Ask to see the salon Pedicure Cleaning and Disinfecting logbook. Each salon must keep an accurate record of the daily and weekly cleaning and disinfecting procedures.
- ✓ Look to see if the salon is clean. If you have any doubts about the cleanliness standards of a salon, leave.

If you have any concerns or wish to file a complaint, contact the Board of Barbering and Cosmetology at 1-800-952-5210.